

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EKO BRANDS, LLC,

Plaintiff,

V.

ADRIAN RIVERA MAYNEZ  
ENTERPRISES INC. et al.,

## Defendants.

C17-894 TSZ

## MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' Motion to Dismiss Plaintiff's Complaint, docket no. 14, is DENIED. Plaintiff's claims in this action for trademark infringement, Lanham Act and Consumer Protection Act violations do not arise from the same transaction or occurrence as the patent infringement claims in *Eko Brand v. ARM, et al.*, Cause No. 15-522RSL ("Prior Litigation"). As a result, plaintiff's claims were not compulsory counterclaims in the Prior Litigation under Fed. R. Civ. P. 13(a). The Court also concludes that plaintiff's complaint alleges sufficient facts to state a claim for relief that is plausible on its face under *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 6th day of October, 2017.

William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk